

115TH CONGRESS
1ST SESSION

H. R. 513

To provide for the exchange of certain National Forest System land and non-Federal land in the State of Alaska, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2017

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the exchange of certain National Forest System land and non-Federal land in the State of Alaska, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Mental Health
5 Trust Land Exchange Act of 2017”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to facilitate, authorize, di-
8 rect, and expedite the exchange of land between the Alaska
9 Mental Health Trust and the Secretary of Agriculture in
10 accordance with this Act—

1 (1) to preserve the scenic and visual backdrops
2 of southeastern Alaska communities, while creating
3 jobs and economic opportunities in more remote
4 areas of the State;

5 (2) to secure Federal ownership and protection
6 of non-Federal land in the State that has significant
7 natural, scenic, recreational, and other public values;
8 and

9 (3) to contribute to the goals and objectives of
10 the Alaska Mental Health Trust.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) **ALASKA MENTAL HEALTH TRUST.**—The
14 term “Alaska Mental Health Trust” means the Alas-
15 ka Mental Health Trust Authority, an agency of the
16 State.

17 (2) **FEDERAL LAND.**—The term “Federal land”
18 means the following 7 parcels of National Forest
19 System land, as generally depicted on maps 7
20 through 9, comprising a total of approximately
21 20,580 acres:

22 (A) The parcel generally depicted as
23 “Naukati Phase 1” on map 8, comprising ap-
24 proximately 2,400 acres.

(B) The parcel generally depicted as “West Naukati” on map 8, comprising approximately 4,182 acres.

(D) The parcel generally depicted as “East Naukati/2016 Naukati addition” on map 8, comprising approximately 1,067 acres.

(E) The parcel generally depicted as “Central Naukati” on map 8, comprising approximately 1,858 acres.

(G) The parcel generally depicted as "Shelter Cove Area" on map 7, comprising approximately 8.224 acres

23 (A) numbered 1, 2, 3, 4, 5, 6, 7, or 9 and
24 dated September 19, 2016; or

(B) numbered 8 and dated November 28,
2016.

- 1 (F) The parcel generally depicted as parcel
2 P-1B on map 2, comprising approximately 144
3 acres.
- 4 (G) The parcel generally depicted as parcel
5 P-2B on map 2, comprising approximately 181
6 acres.
- 7 (H) The parcel generally depicted as parcel
8 P-3B on map 2, comprising approximately 92
9 acres.
- 10 (I) The parcel generally depicted as parcel
11 P-4 on map 2, comprising approximately 280
12 acres.
- 13 (J) The parcel generally depicted as parcel
14 W-1 on map 3, comprising approximately 204
15 acres.
- 16 (K) The parcel generally depicted as parcel
17 W-2 on map 3, comprising approximately 104
18 acres.
- 19 (L) The parcel generally depicted as parcel
20 W-3 on map 3, comprising approximately 63
21 acres.
- 22 (M) The parcel generally depicted as parcel
23 W-4 on map 3, comprising approximately 700
24 acres.

1 (N) The parcel generally depicted as parcel
2 S-1 on map 4, comprising approximately 2,456
3 acres.

4 (O) The parcel generally depicted as parcel
5 S-2 on map 4, comprising approximately 284
6 acres.

7 (P) The parcel generally depicted as parcel
8 S-3 on map 4, comprising approximately 109
9 acres.

10 (Q) The parcel generally depicted as parcel
11 S-4 on map 4, comprising approximately 26
12 acres.

13 (R) The parcel generally depicted as parcel
14 MC-1 on map 5, comprising approximately 169
15 acres.

16 (S) The parcel generally depicted as parcel
17 J-1B on map 6, comprising approximately
18 2,261 acres.

19 (T) The parcel generally depicted as parcel
20 J-1A on map 6, comprising approximately 428
21 acres.

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture.

1 **SEC. 4. LAND EXCHANGE.**

2 (a) IN GENERAL.—If the Alaska Mental Health
3 Trust offers to convey to the Secretary, in the 2 phases
4 described in subsection (n), all right, title, and interest
5 of the Alaska Mental Health Trust in and to the non-Fed-
6 eral land, the Secretary shall simultaneously convey to the
7 Alaska Mental Health Trust, in the 2 phases described
8 in subsection (n), all right, title, and interest of the United
9 States in and to the Federal land.

10 (b) CONDITION ON ACCEPTANCE.—Title to any non-
11 Federal land conveyed by the Alaska Mental Health Trust
12 to the Secretary under subsection (a) shall be in a form
13 that is acceptable to the Secretary.

14 (c) VALID EXISTING RIGHTS.—Unless otherwise
15 agreed to by the Secretary and the Alaska Mental Health
16 Trust, the conveyances under subsection (a) shall be sub-
17 ject to any valid existing rights, reservations, rights-of-
18 way, or other encumbrances of third parties in, to, or on
19 the Federal land and the non-Federal land as of the date
20 of enactment of this Act.

21 (d) RECIPROCAL ROAD EASEMENTS.—

22 (1) IN GENERAL.—In conveying the Federal
23 land and the non-Federal land under subsection (a),
24 the Secretary and the Alaska Mental Health Trust
25 shall exchange at no cost reciprocal easements on ex-

1 isting roads as necessary to access the parcels each
2 party acquires in the exchange.

3 (2) PUBLIC ACCESS.—The reciprocal easements
4 exchanged under paragraph (1) shall provide for
5 public access.

6 (3) COST-SHARE AGREEMENT.—The Secretary
7 and the Alaska Mental Health Trust may enter into
8 a separate cost-share agreement to cover the cost of
9 road maintenance with respect to the reciprocal
10 easements exchanged under paragraph (1).

11 (e) K-3 PARCEL LANDFILL BUFFER.—

12 (1) IN GENERAL.—As a condition of the ex-
13 change under subsection (a), in conveying the parcel
14 of non-Federal land described in section 3(4)(C) to
15 the United States, the Alaska Mental Health Trust
16 shall grant to the United States a 300-foot conserva-
17 tion easement abutting that parcel along the inter-
18 face of the parcel and the City of Ketchikan landfill
19 (as in existence on the date of enactment of this
20 Act), as generally depicted on map 1.

21 (2) DEVELOPMENT AND OWNERSHIP.—The
22 conservation easement described in paragraph (1)
23 shall remain undeveloped and in the ownership of
24 the Alaska Mental Health Trust.

1 (3) EQUALIZATION.—The value of the conserva-
2 tion easement described in paragraph (1) shall be in-
3 cluded in the value of the non-Federal land for pur-
4 poses of equalizing the values of the Federal land
5 and the non-Federal land under subsection (j).

6 (f) RESEARCH EASEMENTS.—

7 (1) IN GENERAL.—In order to allow time for
8 the completion of research activities of the Forest
9 Service that are ongoing as of the date of enactment
10 of this Act, in conveying the Federal land to the
11 Alaska Mental Health Trust under subsection (a),
12 the Secretary shall reserve research easements for
13 the following Forest Service study plots (as in exist-
14 ence on the date of enactment of this Act):

15 (A) The Sarkar research easement study
16 plot on the parcel of Federal land described in
17 section 3(2)(B), as generally depicted on map
18 8, to remain in effect for the 10-year period be-
19 ginning on the date of enactment of this Act.

20 (B) The Naukati commercial thinning
21 study plot on the parcel of Federal land de-
22 scribed in section 3(2)(B), as generally depicted
23 on map 8, to remain in effect for the 15-year
24 period beginning on the date of enactment of
25 this Act.

(C) The POW Yatuk study plot on the parcel of Federal land described in section 3(2)(A), as generally depicted on map 8, to remain in effect for the 10-year period beginning on the date of enactment of this Act.

6 (D) The POW Naukati study plot on the
7 parcel of Federal land described in section
8 3(2)(D), as generally depicted on map 8, to re-
9 main in effect for the 10-year period beginning
10 on the date of enactment of this Act.

22 (g) AREA OF KARST CONCERN.—

23 (1) IN GENERAL.—In conveying the parcels of
24 Federal land described in subparagraphs (A) and
25 (D) of section 3(2) to the Alaska Mental Health

1 Trust under subsection (a), the Secretary shall re-
2 serve to the United States a conservation easement
3 that shall protect the aquatic and riparian habitat
4 within the area labeled “Conservation Easement”, as
5 generally depicted on map 8.

6 (2) PROHIBITED ACTIVITIES.—The conservation
7 easement described in paragraph (1) shall prohibit
8 within the area covered by the conservation ease-
9 ment—

10 (A) new road construction and timber har-
11 vest within 100 feet of any anadromous water
12 bodies (including underground water bodies);
13 and

14 (B) commercial mineral extraction.

15 (h) COMPLIANCE WITH APPLICABLE LAW.—Prior to
16 completing each phase of the land exchange described in
17 subsection (n), the Secretary shall complete, for the land
18 to be conveyed in the applicable phase, any necessary land
19 surveys and required preexchange clearances, reviews,
20 mitigation activities, and approvals relating to—

21 (1) threatened and endangered species;
22 (2) cultural and historic resources;
23 (3) wetland and floodplains; and
24 (4) hazardous materials.

25 (i) APPRAISALS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act—

3 (A) the Secretary and the Alaska Mental
4 Health Trust shall select an appraiser to con-
5 duct appraisals of the Federal land and the
6 non-Federal land; and

7 (B) the Secretary shall issue all appraisal
8 instructions for those appraisals.

9 (2) REQUIREMENTS.—

10 (A) IN GENERAL.—All appraisals under
11 paragraph (1) shall be conducted in accordance
12 with nationally recognized appraisal standards,
13 including—

14 (i) the Uniform Appraisal Standards
15 for Federal Land Acquisitions; and
16 (ii) the Uniform Standards of Profes-
17 sional Appraisal Practice.

18 (B) FINAL APPRAISED VALUE.—

19 (i) IN GENERAL.—During the 3-year
20 period beginning on the date on which the
21 final appraised values of the Federal land
22 and the non-Federal land for each phase of
23 the exchange described in subsection (n)
24 are approved by the Secretary, the Sec-
25 retary shall not be required to reappraise

1 or update the final appraised values of the
2 Federal land and the non-Federal land.

3 (ii) EXCHANGE AGREEMENT.—Begin-
4 ning on the date of entrance into an ex-
5 change agreement under subsection (a), no
6 reappraisal or updates to the final ap-
7 praised values of the Federal land and the
8 non-Federal land approved by the Sec-
9 retary shall be required.

10 (3) PUBLIC REVIEW.—Before completing each
11 phase of the land exchange described in subsection
12 (n), the Secretary shall make available for public re-
13 view summaries of the appraisals of the Federal land
14 and the non-Federal land for the applicable phase.

15 (j) EQUAL VALUE LAND EXCHANGE.—

16 (1) IN GENERAL.—The value of the Federal
17 land and the non-Federal land to be exchanged
18 under subsection (a) shall be—

19 (A) equal; or
20 (B) equalized in accordance with this sub-
21 section.

22 (2) SURPLUS OF FEDERAL LAND VALUE.—

23 (A) IN GENERAL.—If the final appraised
24 value of the Federal land (after applying any
25 cash equalization credit or debit from phase 1

of the exchange under subsection (n)(2)) exceeds the final appraised value of the non-Federal land in phase 2 of the exchange, notwithstanding subsection (a), 1 or more parcels, or 1 or more portions of parcels, of the Federal land, as determined by the Alaska Mental Health Trust after consultation with the Secretary, shall be removed from the conveyance to the Alaska Mental Health Trust by—

14 (ii) equalizing any remaining difference in value in accordance with para-
15 graph (4).
16

21 (3) SURPLUS OF NON-FEDERAL LAND VALUE.—

ceeds the final appraised value of the Federal
land in phase 2 of the exchange, notwithstanding subsection (a), 1 or more parcels, or 1 or more portions of parcels, of the non-Federal land, as determined by the Alaska Mental Health Trust after consultation with the Secretary, shall be removed from the conveyance to the United States by—

13 (ii) equalizing any remaining difference in value in accordance with para-
14 graph (4).
15

1 cash equalization payment that would otherwise
2 be due from the United States under paragraph
3 (4).

4 (4) REMAINING DIFFERENCE.—Any remaining
5 difference in value shall be equalized under para-
6 graph (2)(A)(ii) or (3)(A)(ii), as applicable, by—

7 (A) removal of a portion of a parcel of the
8 Federal land or the non-Federal land, as appli-
9 cable, as determined by the Alaska Mental
10 Health Trust after consultation with the Sec-
11 retary;

12 (B) the payment of a cash equalization, as
13 necessary, by the Secretary or the Alaska Men-
14 tal Health Trust, as appropriate, in accordance
15 with section 206(b) of the Federal Land Policy
16 and Management Act of 1976 (43 U.S.C.
17 1716(b)); or

18 (C) a combination of the methods de-
19 scribed in subparagraphs (A) and (B), as deter-
20 mined by the Alaska Mental Health Trust after
21 consultation with the Secretary.

22 (k) COSTS.—As a condition of the land exchange
23 under this Act, the Alaska Mental Health Trust shall
24 agree to pay, without compensation, all costs that are as-

1 sociated with each phase of the exchange described in sub-
2 section (n), including—

3 (1) all costs to complete the land surveys, ap-
4 praisals, and environmental reviews described in sub-
5 section (h) such that the exchange may be completed
6 in accordance with the deadlines described in sub-
7 section (n); and

8 (2) on request of the Secretary, reimbursement
9 of costs for agency staff, additional agency staff, or
10 third-party contractors appropriate such that the ex-
11 change may be completed in accordance with the
12 deadlines described in subsection (n).

13 (l) LAND SURVEYS, APPROVALS, USES.—

14 (1) SURVEY INSTRUCTIONS.—Not later than 90
15 days after the date of enactment of this Act, the
16 Secretary of the Interior shall issue survey instruc-
17 tions to assist in the timely completion of all land
18 surveys necessary to complete the land exchange
19 under subsection (a) in accordance with the dead-
20 lines described in subsection (n).

21 (2) SURVEYS.—Unless otherwise agreed to by
22 the Secretary and the Alaska Mental Health Trust,
23 after consultation with the Secretary of the Interior,
24 land surveys shall not be required for—

- 1 (A) any portion of the boundaries of the
2 non-Federal land that is contiguous to—
3 (i) National Forest System land, as in
4 existence on the date of enactment of this
5 Act; or
6 (ii) land that has been surveyed or
7 lotted as of the date of enactment of this
8 Act;
9 (B) any portion of the boundaries of the
10 Federal land that is contiguous to—
11 (i) land owned as of the date of enact-
12 ment of this Act by—
13 (I) the Alaska Mental Health
14 Trust; or
15 (II) the State; or
16 (ii) land that has been surveyed or
17 lotted as of the date of enactment of this
18 Act;
19 (C) any portion of the boundaries that the
20 Secretary and the Alaska Mental Health Trust
21 agree, after consultation with the Secretary of
22 the Interior, is adequately defined by a survey,
23 mapping, or aliquot part, or other legal descrip-
24 tion; and

1 (D) any portion of the boundaries of the
2 non-Federal land that—

3 (i) the United States tentatively con-
4 veyed to the State without survey;

5 (ii) is being reconveyed to the United
6 States in the land exchange under sub-
7 section (a); and

8 (iii) is not surveyed as of the date of
9 enactment of this Act.

10 (3) USE OF LAND.—Any Federal land or non-
11 Federal land that is conveyed to the Alaska Mental
12 Health Trust or the United States under subsection
13 (a) shall, on the conveyance—

14 (A) become the property of the party to
15 which the land is conveyed; and

16 (B) be available to the party to which the
17 land is conveyed for all uses permitted under
18 applicable laws (including regulations).

19 (m) PARCEL ADJUSTMENT.—If a portion of a parcel
20 of the Federal land or the non-Federal land to be conveyed
21 under subsection (a) cannot be conveyed due to the pres-
22 ence of hazardous materials—

23 (1) the portion shall be removed from the ex-
24 change; and

(2) the final exchange values shall be equalized in accordance with subsection (j).

3 (n) LAND EXCHANGE PHASES.—

7 (2) PHASE 1.—

(A) IN GENERAL.—Subject to subparagraph (B) and subsection (j), not later than 1 year after the date of enactment of this Act—

(II) in accordance with the nationally recognized appraisal standards described in subsection (i)(2)(A).

(ii) Any cash equalization payment would otherwise be necessary to be paid by the Secretary or the Alaska Mental Health Trust on the completion of the construction under this paragraph shall be—

(I) deferred until the completion of the conveyance under paragraph (3); and

(II) debited or credited, as appropriate, to any final land or cash equalization that may be due from either party on the completion of the conveyance under paragraph (3).

1 land described in subparagraphs (C) through
2 (T) of section 3(4).

3 **SEC. 5. MANAGEMENT OF NON-FEDERAL LAND.**

4 (a) IN GENERAL.—On acquisition of the non-Federal
5 land by the Secretary under this Act, the non-Federal land
6 shall—

7 (1) become part of the Tongass National For-
8 est;

9 (2) be administered in accordance with the laws
10 applicable to the National Forest System; and

11 (3) be managed to protect the scenic value of
12 the non-Federal land.

13 (b) BOUNDARY REVISION.—On acquisition of the
14 non-Federal land by the Secretary under this Act, the
15 boundaries of the Tongass National Forest shall be modi-
16 fied to reflect the inclusion of the non-Federal land.

17 (c) ADMINISTRATIVE SITE.—On acquisition of the
18 parcel of non-Federal land described in section 3(4)(E),
19 the Secretary shall set aside 42 acres of the parcel, in the
20 location generally depicted on map 2, as an administrative
21 site for purposes of the future administrative needs of the
22 Tongass National Forest.

1 **SEC. 6. WITHDRAWAL.**

2 Subject to valid existing rights, the non-Federal land
3 acquired by the Secretary under this Act shall be with-
4 drawn from all forms of—

5 (1) entry, appropriation, or disposal under the
6 public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) disposition under the mineral leasing, min-
10 eral materials, and geothermal leasing laws.

11 **SEC. 7. MISCELLANEOUS PROVISIONS.**

12 (a) REVOCATION OF ORDERS; WITHDRAWAL.—

13 (1) REVOCATION OF ORDERS.—Any public land
14 order or administrative action that withdraws the
15 Federal land from appropriation or disposal under a
16 public land law shall be revoked to the extent nec-
17 essary to permit the conveyance of the Federal land.

18 (2) WITHDRAWAL.—

19 (A) IN GENERAL.—If the Federal land or
20 any Federal interest in the non-Federal land is
21 not withdrawn or segregated from entry and
22 appropriation under a public land law (includ-
23 ing logging and mineral leasing laws and the
24 Geothermal Steam Act of 1970 (30 U.S.C.
25 1001 et seq.)) as of the date of enactment of
26 this Act, the Federal land or Federal interest in

1 the non-Federal land shall be withdrawn, with-
2 out further action by the Secretary, from entry
3 and appropriation.

4 (B) TERMINATION.—The withdrawal
5 under subparagraph (A) shall be terminated—

6 (i) on the date of the completion of
7 the phase of the land exchange described
8 in section 4(n) covering the applicable Fed-
9 eral land; or

10 (ii) if the Alaska Mental Health Trust
11 notifies the Secretary in writing that the
12 Alaska Mental Health Trust elects to with-
13 draw from the land exchange under section
14 206(d) of the Federal Land Policy and
15 Management Act of 1976 (43 U.S.C.
16 1716(d)), on the date on which the Sec-
17 retary receives the notice of the election.

18 (b) MAPS, ESTIMATES, DESCRIPTIONS.—

19 (1) MINOR ERRORS.—The Secretary and the
20 Alaska Mental Health Trust, by mutual agreement,
21 may correct minor errors in any map, acreage esti-
22 mate, or description of any land conveyed or ex-
23 changed under this Act.

24 (2) CONFLICT.—If there is a conflict between a
25 map, acreage estimate, or description of land in this

1 Act, the map shall be given effect unless the Sec-
2 retary and the Alaska Mental Health Trust mutually
3 agree otherwise.

4 (3) AVAILABILITY.—On the date of enactment
5 of this Act, the Secretary shall file and make avail-
6 able for public inspection in the office of the Super-
7 visor of the Tongass National Forest each map.

○